AMENDMENTS TO THE CLAIMS

1. (currently amended) A breathable insole heater element for footwear, comprising:

a flexible metallised substrate of porous fabric having a plurality of components each encapsulated with metal wherein the metal on the metallised substrate of fabric is photochemically etched to form the breathable insole heater element by selectively etching out metal encapsulated about the plurality of components of the substrate of porous metallised fabric

whereby the flexible metallised substrate is configured to provide an insole heater element that is porous and breathable.

2. (canceled)

3. (previously presented) An insole heater element according to claim 1 wherein the pattern of the heater element is selected so that a first part of the heater element provides a different heat output in use to that of a second part of the heater element.

4. (previously presented) An insole heater element according to claim 1 having a thermal protection device to provide temperature control of the heater element.

5. (original) An insole heater element according to claim 4 wherein the thermal protection device is a surface mounted thermistor.

6. (previously presented) An insole heater element according to claim 1 wherein the metallised fabric is coated with a continuous layer of metal.

7. (previously presented) An insole heater element according to claim 1 wherein the components of the substrate of porous metallised fabric are individual yarns, the individual yarns being encapsulated in metal prior to manufacture of the substrate of porous metallised fabric.

8. (previously presented) An insole heater element according to claim 1 wherein the fabric is selected from the group consisting of woven, non-woven, knitted, laminated composite, pressed felt, and braid fabrics.

9. (previously presented) An insole heater element according to claim 1 wherein the components of the substrate of porous metallised fabric are woven polyester threads and the metal is nickel.

10. (previously presented) An insole heater element according to claim 1, further comprising:

termination pads for connection of the heater element to a power supply/control system.

11. (previously presented) An insole heater element according to claim 1, further comprising:

a flexible fabric connection member for protruding from the final insole so as to provide connection of the heater element to a power supply/control system.

12. (canceled).

13. (previously presented) An insole according to claim 1 wherein the insole heater element is laminated between a layer of insole face fabric and a backing layer.

14. (original) An insole according to claim 13 wherein the face fabric is attached to the heater element by a thermoplastic web.

15. (previously presented) An insole according to claim 1 wherein the insole heater element is formed integrally with a component of the insole.

16. (canceled)

17. (previously presented) An insole according to claim 1 wherein the heater element extends substantially the full length of the insole.

18. (previously presented) An insole according to claim 1 wherein the heater element is configured so that the insole can be cut or trimmed to one of several possible shapes or sizes to fit an article of footwear without adversely affecting the operation of the heater element.

19. (previously presented) An insole according to claim 1 having heat-activatable agents for release due to heat generated by the heater element.

20. (original) An insole according to claim 19 wherein the agents are selected from antimicrobials, insect repellents, fragrances, perfumes.

21. (previously presented) An insole according to claim 19 wherein the agents are microencapsulated in microcapsules.

22. (original) An insole according to claim 21 wherein the microcapsules melt at an initiation temperature.

23. (original) An insole according to claim 21 wherein the microcapsules allow diffusion of the agent through their walls to effect a slow release mechanism within the insole at an initiation temperature.

24. (previously presented) The insole according to claim 1 wherein the components of the substrate of porous metallised fabric are individual fibres, the individual fibres being encapsulated in metal prior to the manufacture of the substrate of porous metallised fabric.

25. (previously presented) The insole according to claim 1 wherein the components of the substrate of porous metallised fabric are individual yarns, the individual yarns being encapsulated in metal after manufacture of a substrate of a porous fabric to form the substrate of porous metallised fabric.

26. (previously presented) The insole according to claim 1 wherein the components of the substrate of porous metallised fabric are individual fibres, the individual fibres being encapsulated in metal after manufacture of a substrate of a porous fabric to form the substrate of porous metallised fabric.